



County of Lake

**Stormwater Management
Department**

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Lake County

Stormwater Utility Fee

Credit Manual

For

Non-Residential Users

In Level 1 Communities:

Fairport Harbor
Wickliffe
Willoughby Hills
Willowick

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Stormwater Utility Fee Credit Manual

1.0 Background

1.1 Purpose

The Board of Lake County Commissioners has created a Stormwater Utility in order to provide stable and non-discriminatory funding for its stormwater management activities. Lake County provides stormwater related services to 13 member communities through its Stormwater Management Department. Member communities include:

Concord Township	Mentor-on-the-Lake	Wickliffe
Fairport Harbor	Painesville	Willoughby Hills
Grand River	Painesville Township	Willowick
Kirtland	Perry Village	
Madison Township	Timberlake	

The impact of individual properties on the stormwater management system is quantified based primarily on the amount of impervious area on a parcel of property. The baseline Stormwater Utility Fee (Fee) does not take into account the value provided by some property owners that independently implement and maintain Best Management Practices (BMPs) that offset, to some extent, the impact of their developed property on the components of the stormwater drainage system, both natural and man-made.

Using a Fee Credit process, the County may make an adjustment to the Utility Fee paid by any non-residential customer that provides value-added stormwater management services that support and complement the County's stormwater management goals.

This Stormwater Utility Fee Credit Manual ("Manual") describes the LCSMD Fee Credit Program. Award of Fee Credit is an administrative recognition of the value of a variety of significant stormwater management activities provided by non-residential customers.

Approved credit applications will result in the reduction of an applicant's Fee for as long as the approved activities continue and accomplish their intended purposes. The per-parcel adjusted Fee may not be reduced below the residential customer Fee.

This Manual establishes eligibility criteria and application procedures to determine the proportional amount of Fee Credit due to providers of these benefits.

This manual does not address any Credits or incentives for residential customers. At a future date, the LCSMD may undertake the creation of an Incentive Program for residential customers who implement significant stormwater management practices in support of the LCSMD's stormwater management goals. Additionally, the LCSMD may develop a grant or cost-sharing program to fund demonstration projects for low-impact development or conservation site design.

1.2 Stormwater Management Overview

As Lake County grows and the area of impervious surface increases, the ability of land to absorb rain and snow melt decreases and the volume of stormwater and the rate at which it discharges increases. Urban activities also increase the potential for surface and groundwater pollution. Because of this, the County must thoughtfully and intentionally manage stormwater to:

- Reduce the potential for property damage by providing adequate conveyance of stormwater through constructed and natural pipes and channels,
- Address resultant increases in the discharge rates and volumes of stormwater, and
- Reduce pollutant loading and protect the quality of our water resources through stormwater treatment and pollution prevention activities.

Every County resident, business, and visitor uses and benefits from County stormwater management activities that achieve these objectives.

On behalf of its member communities, the LCSMD prepared a Stormwater Management Plan ("Plan") in 2003 to address these three facets of stormwater management. The Plan specifically addresses the permit requirements of the Ohio's Phase II Stormwater Permit for Municipal Separate Storm Sewer Systems (MS4). The goal of the permit is to maintain and improve the chemical, biological, and physical health of the waters of the state. More information about this permit can be found on the LCSMD's stormwater web site (www.lakecountyohio.org/smd).

When the County adopted the funding mechanism for its stormwater management activities, the County took into account storm drainage system needs, NPDES MS4 permit requirements, and other relevant factors. Research has shown that the area of impervious surface on a property is directly related to the water quality, quantity, and conveyance impacts on the Stormwater Drainage System. Consequently, impervious surface is the most equitable factor to determine what an individual property owner's payment should be for the availability, use, benefit, and protection of the County's water resources.

Important stormwater management activities funded by the Fee include:

- Planning and regulation development
- Regulation enforcement
- Response to citizen inquiries, violations reports, and complaints
- Education about pollution prevention techniques to improve stormwater quality
- Public participation opportunities
- Detection and elimination of illicit discharges to the stormwater system
- Storm sewer system mapping
- Grading and drainage plan review and approval
- Stormwater Pollution Prevention Plan review and approval
- Construction site inspection for proper erosion and sediment control
- Post-construction site inspection
- Water quality and quantity control structure construction
- Stabilization of highly erodible creeks and other drainage-ways
- Storm sewer, catch basin, and outfall inspection, maintenance, and replacement
- Street sweeping
- Materials management to reduce exposure to stormwater
- Record keeping and report preparation

All owners of developed property in LCSMD member communities are required by Resolution of the Lake County Board of Commissioners to pay Stormwater Utility fees that will be used to fund stormwater management activities.

The following definitions are extracted from the Stormwater Rules and Regulations. Any changes to definitions adopted in future Stormwater Rules and Regulations amendments will take precedence over definitions cited in this Manual.

Credit - a conditional reduction in the amount of the Fee paid by an individual Non-Residential property owner based on the provision and continuation of an effectively maintained and operated Structural Best Management Practice or the provision of a Non-Structural Best Management Practice by a property owner, which system, facility, service, or activity reduces the LCSMD's cost of providing stormwater management services or System components according to the provisions of this Credit Manual.

Developed - real property that has been altered from its natural state by the addition to or construction of impervious area on all or part thereof.

Impervious Area - a that is compacted or covered with material that is resistant to the infiltration of water, including but not limited to, most conventionally surfaced streets, roofs, sidewalks, patios, driveways, parking lots, and any other oiled,

graveled, graded, compacted, or other surface which impedes the natural infiltration of stormwater.

LCSMD – Lake County Stormwater Management Department

Non-Residential Property - all property other than un-developed parcels and Residential parcels, including their commonly owned areas.

Non-structural Best Management Practice means a practice, technique, or measure to reduce the volume, peak flow rate, or pollutants in stormwater that does not require the design or installation of fixed stormwater management facilities

Property Owner - any partnership, corporation or any person who alone or jointly and severally with others, either as tenants in common or otherwise has:

- a. Legal title to any real property or building, with or without accompanying actual possession thereof; or
- b. Has charge, care or control of any building as owner or agent of the owner, or as executor, executrix, administrator, administrator, trustee, or guardian of the estate of the owner.

Any such partnership, corporation or person representing the actual owner shall be bound to comply with the provisions of this chapter to the same extent as if they were the owner.

Residential Development means an area created to house people, including the residential dwellings as well as all attendant portions of the development including lawns, driveways, sidewalks, garages, and access streets. Residential development includes single family, multi-family, apartments, and trailer parks.

Site – For the purposes of this Manual, a Site may be a single parcel or a combination of contiguous and adjacent parcels that are hydrologically connected. In the case of multi-parcel Sites, Fee Credits will be proportionally allocated to each affected parcel.

Storm Sewer System or Stormwater Management Facilities - a system of storm and surface water management facilities including, but not limited to: drains, inlets, catch basins, storm sewers, manholes, outfalls, channels, ditches, drainage easements, retention and detention basins and ponds, infiltration facilities, or any other constructed or natural features utilized to convey and/or treat surface water, stormwater or snowmelt.

Stormwater Utility Fee (“Fee”) - the Fee levied on developed Residential and Non-Residential parcels pursuant to the creation of the Stormwater Utility so as to assist in implementing the LCSMD Stormwater Management Program.

Stormwater Management Program (“Program”) - synonymous with “Stormwater Pollution Prevention Program” (“Program”) and means the assemblage of NPDES Phase II MS4 permit requirements and any additional planning, design, construction, inspection, regulation, improvement, operation, maintenance, and replacement of the System and the implementation of activities related to the management of stormwater, such as, but not limited to: stormwater education and public participation, water quality protection, drainage, grading and erosion control, pollution prevention, and illicit discharge detection and elimination. The Program incorporates the LCSMD Stormwater Management Plan by reference.

Structural Best Management Practices (“BMPs”) - structural improvements that help reduce the quantity (rates and/or volumes) and improve the quality of stormwater runoff.

Undisturbed / Undeveloped property - real property that has not been altered from its natural state by dredging, filling, removal of trees and vegetation or other activities which have disturbed or altered the topography or soils on the property.

Water - for the purposes of stormwater management, water means stormwater, surface water or snowmelt.

1.3 Utility Fee Structure

The Fee levied by LCSMD is based on the area of impervious surface on a parcel of land. The base unit is 3,050 sq. ft of impervious area. This value represents one (1) Equivalent Residential Unit (ERU).

All residential units are charged the base Fee of one (1) ERU. The base fee or one (1) ERU rate is \$0.80/month for Level 1 communities and \$2.50/month for Level 2 communities. Non-residential properties are charged a base Fee calculated by dividing the impervious surface on the subject property by the impervious surface in one ERU and multiplying the result by the base rate.

When calculating the impervious area for a non-residential property, the effective areas shown in Table 1 must be used.

Table 1. Impervious Effective Area Factors

Surface	Effective Area Factor
Roof	1.0
Asphalt	1.0
Concrete	1.0
Gravel	0.75

1.3 Utility Fee Calculation

To determine the example Fee, assume the parcel is located in a Level 1 community and has 30,500 square feet of impervious area, with 5,000 sq. ft of the impervious area being gravel. The baseline Fee calculation would be as follows:

$$\text{Fee} = \frac{(\text{impervious area in sq/ ft.}) \times (\text{effective area factor}) \times (\text{Rate})}{\text{ERU sq. ft.}}$$

$$\text{Fee} = \frac{(25,500)(1.0)(\$0.80/\text{ERU/month}) + (5,000)(0.75)(\$0.80)}{3,050 \text{ sq. ft. (ERU)}} = \$7.67/\text{month}$$

This represents a Utility Fee of \$92.07 annually.

Stormwater Utility Fee Credit Manual

2.0 Credit Structure Overview

2.1 Restrictions

- a. No public or private property shall receive Credit to offset Fees for any condition or activity unrelated to the LCSMD's cost of providing stormwater management services.
- b. No Credit will be applied to any parcel that reduces the Fee to an amount less than one Equivalent Residential Unit Fee.
- c. Credits outlined in this Manual will be given for Level 1 non-residential parcels only.
- d. Credit shall only be given for that portion of the Utility Fee paid by the property owner.

2.2 Terms

- a. Credits will only be applied if requirements outlined in this Manual are met, including, but not limited to, guaranteed right-of-entry for inspections and submittal of annual reports.
- b. Credits will be defined as percent (%) reductions applied as a Credit adjustment to the Fee calculation equation.
- c. Credits will be applied retroactively for the first year of the program, and the next billing cycle for the applications received after that.
- d. Credits are valid for the first LCSMD NPDES permit term only (expires December 31, 2007). Each credit must be reviewed and approved for any additional permit terms.
- e. As long as the BMPs are implemented as approved (as demonstrated by annual reports and LCSMD inspections), the Credit reduction will be applied to the Fee. If the approved practice is not implemented as approved or is terminated, the Credit reduction will be canceled and the Fee will return to the baseline calculation. Once the Credit reduction has been canceled, a customer may not reapply for Credit for a period of 12 months and only if the deficiency has been corrected, as determined by LCSMD inspection. (See Section 5 for more details.)

2.3 Education Credit

Those schools, public or private, wishing to receive Fee Credit for educating students and employees in the area of water quality awareness and protection must agree to the following minimum standards:

- a. Devote two hours per half (four hours annually) to educating one grade level of students (or split between two grade levels) about water quality awareness and protection. Educational institutions will be required to submit programs or agendas to LCSMD for environmental education sessions that will include information concerning number of attendees, time(s), place(s), and topic(s) covered during each session. LCSMD will assist with providing materials for the education program. Pre- and post-session surveys are required. Topics must rotate on at least an annual basis, or become part of the curriculum for the same grade level each year.
- b. Devote fifteen minutes per quarter (or an hour annually) to educating employees about water quality awareness and protection. Additionally, provide basic stormwater management information to new employees. Topics must rotate on at least an annual basis.
- c. Post stormwater and water quality-specific educational information obtained from LCSMD, Ohio Environmental Protection Agency, the US Environmental Protection Agency, the Lake County Soil and Water Conservation District, Lake County General Health District, Chagrin River Watershed Partners, Inc., the Ohio State University Extension Service, or from any other reputable educational resource center in student and employee frequented areas. Information posted must be clearly visible. Information topics must rotate on at least an annual basis. Copies of posted materials must be provided to LCSMD.
- d. Distribute stormwater and water quality-specific literature obtained from LCSMD, Ohio Environmental Protection Agency, the US Environmental Protection Agency, the Lake County Soil and Water Conservation District, Lake County General Health District, Chagrin River Watershed Partners Inc., the Ohio State University Extension Service, or any other reputable educational resource center to target students and all employees on a annual basis and provide copies to LCSMD with the annual report. Literature topics must rotate on at least an annual basis.

Maximum Credit for this category is 15%.

2.4 NPDES Industrial Stormwater Permit Credit

The Ohio Environmental Protection Agency, on behalf of the USEPA, requires certain types of industry to obtain and comply with an NPDES Industrial Stormwater

Permit to manage and monitor stormwater runoff from industrial sites. When an NPDES Stormwater Permit issued to a nonresidential customer requires the specified industry to conduct water quality monitoring, they may be eligible for a maximum 10% Credit if:

- a. Water quality testing results consistently meet permit required discharge limits during each sampling event,
- b. Copies of the water quality test results are provided to the LCSMD upon request, and
- c. Industry is in compliance with all permit requirements.

In order to be considered for a Credit to be applied to a permittee's site, these customers must submit documentation showing how the permitted discharges are providing a positive impact and how that complements the LCSMD's stormwater management system goals. At a minimum, a copy of the facility's NPDES permit must be provided. The amount of Credit will be determined on a case-by-case basis.

Maximum Credit for this category is 15%.

2.5 Sample Fee Recalculation

To determine the example Fee, assume the parcel is located in a Level 1 community and has 156,201 square feet of impervious area. The baseline Fee calculation would be as follows:

$$\text{Fee} = \frac{(\text{impervious area in sq/ ft.}) \times (\text{effective area factor}) \times (\text{Rate})}{\text{ERU sq. ft.}}$$
$$\text{Fee} = \frac{(156,201)(1.0)(\$0.80/\text{ERU/month})}{3,050 \text{ sq. ft. (ERU)}} = \$40.97/\text{month}$$

This represents a Utility Fee of \$491.65 annually.

The Education Credit has a maximum credit capacity of 15%. Assuming documentation has been provided to prove that all the Program criteria described in the Manual have been and continue to be met, this example customer would receive a 5% Credit adjustment, changing the equation to:

$$\text{Fee} = \frac{(156,201)(\$0.80/\text{ERU/month})(1-0.15)}{3,050 \text{ sq. ft. (ERU)}} = \$34.83/\text{month}$$

This represents a Utility Fee of \$417.90 annually, an annual savings of \$73.74 for each year the Program criteria are met.

Stormwater Utility Fee Credit Manual

3.0 Application Procedures

A property owner seeking a Fee Credit must comply with the procedures outlined in this Manual and must submit a Fee Credit application. All information necessary for the LCSMD Director to make a determination must be supplied as outlined in the Manual and the Credit application. Failure to comply with the procedures outlined in the Manual will result in a denial of the Credit application.

Stormwater Utility Fee Credit Manual

4.0 Review Process and Credit Implementation

The LCSMD Director or designated agent will review Credit applications within sixty (60) days of receipt of a complete application that contains the information necessary for determination of the applicant's eligibility for a Credit. A determination of the Credit value will be mailed to the applicant and the tax bill will be adjusted accordingly for the following year.

Adjustments of Fees shall be made retroactive for the time period that the service was in place, but for no more than the previous year billing cycle (based on the date the complete Credit application is received by the LCSMD). Credit adjustments will not pre-date the January 1, 2004 implementation of the Fee.

Appeals of Credit decisions may be made to the Drainage Engineer by sending a formal written Request for Appeal of Stormwater Credit Determination. If the Drainage Engineer awards an alternate Credit determination, adjustments of Fees shall be made retroactive for the time period that the service was in place, but for no more than the previous year billing cycle (based on the date the complete Credit application is first received by the LCSMD).

Questions on the Credit policy may be directed to the LCSMD at (440) 350-2770.

Stormwater Utility Fee Credit Manual

5.0 Enforcement Policy

The LCSMD reserves the right to review the application for accuracy and/or inspect and review documentation confirming the provision of the BMPs at any time. If, after its review or inspection, the LCSMD finds the application to be inaccurate or the projected level of service is not being provided or continued, the customer will be notified in writing and given 45 days to correct the deficiency. The property owner must provide written documentation to the LCSMD Director within 45 days of the original notice by the LCSMD that the BMP is being provided or continued as agreed in addition to such evidence as the LCSMD Director reasonably requires showing that the deficiency has been corrected. If, in the opinion of the LCSMD Director, the deficiency is not satisfactorily corrected, the Fee Credit attributable to the deficiency will be terminated on the following billing cycle and will remain in effect for a minimum of 12 months. Reapplication for Fee Credit will not be reviewed until the delinquent BMP has been adequately reinstated for three continuous months and evidence of the corrections has been provided with the reapplication.

Annual reports will be required every January 30th to document service provision for the preceding calendar year (sample report forms provided in Appendix B). If the reports are incomplete or are not submitted to the LCSMD by the required date, the property shall be considered to be in non-compliance with the Credit Program requirements. Non-compliant properties will lose the Credit benefit and the Fee Credit suspension will remain in effect for a minimum of 3 months and will not be reinstated until the complete annual report is received with documentation that the program is being implemented as intended.

Once the Credit reduction has been canceled, a customer may not reapply for that particular Credit for a period of 12 months and then only if the deficiency has been corrected, as determined by LCSMD inspection. It will be the responsibility of the customer to prove the stormwater management goals are met prior to the Credit being reissued.

APPENDIX A
Credit Application

APPENDIX A

Lake County Stormwater Management Department

Stormwater Credit Application

(Please Type or Print)



Check One:

- ☐ This is the first application for Credit for this property.
- ☐ This is a reapplication for renewed Credit after a Credit suspension.

If this is a first application, please address all questions and provide documentation that BMPs will be in place within 60 days of submitting this application. Existing BMPs will require proof of implementation. New BMPs will require the submittal of implementation plans.

If this is a reapplication for renewed Credit after a Credit suspension, please complete Part 1 and provide all Options listed in Part II that were suspended. Evidence that the deficiency resulting in the Credit suspension was corrected for *at least three months prior to reapplication* must be attached to the reapplication.

PART I. GENERAL INFORMATION

1. Customer Contact Information:

Name/Title _____

School _____

Address _____

Phone _____ E-mail _____

2. Property Parcel ID #(s): _____

3. Property Address/Description: _____

4. Authorized Representative (if applicable) Contact Information:

Name/Title _____

Address _____

Phone _____ E-mail _____

NOTE: Please provide specific responses to the following questions, using additional pages if necessary, to provide a complete and comprehensive application.

PART II. INDIVIDUAL CREDIT OPPORTUNITIES

Option 1. Education Credit

1. Provide copies of programs or agendas for environmental education sessions. Include information on the number of attendees, time(s), place(s), and topics covered during each session.
2. Provide planned questions for pre and post education surveys.
3. Provide copies of educational materials used for employees on water quality awareness and protection.
4. Provide copies of water quality-specific educational materials that will be posted. Indicate where the material will be posted.

For Office Use Only

Option 1. Education Credit Awarded

_____%
(15% max)

(date)

(initials)

Option 2. NPDES Industrial Stormwater Permit Credit

1. Attach a copy of your NPDES Industrial Stormwater Permit.
2. Attach data that defines discharge volumes, rates, and frequency of discharges.
3. Describe how the permitted discharges are providing a positive impact and value that complements the LCSMD's stormwater management system goals and provide any supporting documentation.

For Office Use Only

Option 2. NPDES Industrial Stormwater Permit Credit Awarded

_____%
(15% max)

(date)

(initials)

The application packet should consist of the completed application form and a copy of all necessary documentation that will allow for a complete review of the site and existing stormwater management BMPs. Incomplete applications will not be processed.

Submit the application, plans, and calculations to:

Lake County Stormwater Management Department
ATTN: Director
550 Blackbrook Road
Painesville Township, OH 44077

Signature of Owner

Date

Summary Credit Calculation

FOR OFFICE USE ONLY

OPTION 1 & 2

- | | |
|--|-----------------|
| 1. Education Credit | _____ (max 15%) |
| 2. NPDES Industrial Stormwater Permit Credit | _____ (max 15%) |

OPTION 1 & 2

CREDIT TOTAL _____ (max 15%)

Fee Credit Adjustment Factor = $1 - (\% \text{ credit}/100) =$ _____

NOTE: The minimum per parcel Fee = Residential Fee

(date)

(initials)

APPENDIX B
Annual Report Forms

Lake County Stormwater Management Department

Stormwater Annual Report

(Please Type or Print)



Annual reports will be required every January 30th to document service provision for the preceding calendar year. If the reports are incomplete or are not submitted to the LCSMD by the required date, the property shall be considered to be in non-compliance with the Credit Program requirements. Non-compliant properties will lose the Credit benefit and the Fee Credit suspension will remain in effect for a minimum of 3 months and will not be reinstated until the complete annual report is received with documentation that the program is being implemented as intended.

PART I. GENERAL INFORMATION

1. Customer Contact Information:

Name/Title _____

Facility Name _____

Address _____

Phone _____ E-mail _____

2. Date _____

3. Property Parcel ID #(s): _____

4. Property Address/Description: _____

5. Authorized Representative (if applicable) Contact Information:

Name/Title _____

Address _____

Phone _____ E-mail _____

PART II. CREDIT INFORMATION

Option 1. Education Credit

1. Provide information/lesson plan that illustrates how students were educated about water quality awareness and protection. Attach copies of any material used.

2. What grade level was given the above education program?

3. Provide dates and length of education program for the preceding year.

4. Provide copies of pre- and post-session surveys. Was there any significant increased level of understanding of water quality related issues by session participants?

5. Provide copies of information given to employees related to water quality awareness and protection.

6. Provide dates and length of education program for employees for the preceding year.

7. Were new employees provided basic information on stormwater management?

8. How many new employees were hired in preceding year?

9. How many locations were stormwater and water quality education information posted on your property? Attach copies of this material to this report.

10. Were these in clearly visible areas?

11. Is the information rotated on an annual basis?

12. Attach copies of any information provided to students and staff.

13. Do you have any additional comments?

Option 2. NPDES Industrial Stormwater Permit Credit

1. Attach a copy of the NPDES Industrial Stormwater Permit for facility.
2. Did the facility meet all permit requirements in the preceding year? List any compliance issues.

3. Did water quality testing results consistently meet permit required discharge limits during each sampling event?

PART III. REPORT PREPARATION

1. Contact Information for person completing report:

Name/Title _____

Address _____

Phone _____ E-mail _____